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***Homelessness — A Plan  
for Action***

***Labour  
Housing  
Group***

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# ***Homelessness — A Plan for Action***

**by Members of Labour Housing Group**

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# **Contents**

Preface	5
1. Introduction — What Labour should do about housing need	7
2. Homeless versus Waiting List	10
3. Resources and Quality of Service	13
4. Non-priority and Vulnerability	17
5. Violence and relationship breakdown	21
6. Local Connection	24
7. Intentional homelessness	27
8. Temporary accommodation	30
9. Permanent accommodation	34
10. The hidden homeless	36
11. Appeals Procedures	40
12. Conclusion — recommendations for the Labour Party and legislation	45
<i>Appendix 1: Labour Housing Group's policy on Homelessness as at 1st January, 1985</i>	54
<i>Appendix 2: Text of Composite resolution No.24, on the Right to a Home, passed at 1984 Annual LP Conference</i>	55
<i>Appendix 3: Text of Housing section of LP Manifesto, 1983</i>	56

## ***Preface***

This pamphlet provides full details of the proposals which formed the submission of the Labour Housing Group's Homelessness Working Group to the Labour Party's National Executive Committee/Parliamentary Labour Party Joint Policy Committee on Housing, for its meeting on 26th February, 1985.

The actual text of the submission to that meeting appears as Chapter 12 of the pamphlet.

The Housing Joint Policy Committee is preparing a statement on housing policy for the 1985 Annual Conference of the Labour Party, in Bournemouth.

The pamphlet contains the recommendations of the Labour Housing Group's Homelessness Working Group, and the views expressed are not necessarily the policies of the Labour Housing Group as a whole.

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May 1985

## ***What Labour should do about housing need***

Housing need is a difficult area to define. It consists of many different factors, all of which intertwine to create a complex web of demands which housing authorities have always found it difficult to meet. After the war, a simple goal was set — to build sufficient homes for every household in the country irrespective of whether they were in the right place, of the right size or the right design. This was partly due to the fact that the average family had 2.4 children, and therefore many houses or flats of the same size were adequate to meet the demand. The goal was never achieved. Demographic trends meant that by the late 1950s and 1960s, the demand for housing was growing again, families were smaller and increasingly people were choosing to live alone. A further factor in this increased demand was the irreversible decline of the private sector. The Government response was to seize upon a solution which appeared to offer the answer they had been looking for — system building. We now know — to our cost, but more to the cost of those who live in them — that this was a disaster on a massive scale. Many of the blocks of flats built at that time have already been demolished and many more are planned to go the same way.

Since the early 70s, the Labour Party has realised that it is not sufficient to build enough properties to equate with simple demand. It is necessary to build considerably in excess of this to allow for: mobility, mismatch of area, size or type, hidden households and for the deterioration of older stock, which needs replacement or major renovation. By the late 70s there were a few areas of the country where that happy position was close to being reached. However the savage cutbacks in house building and renovation resulting from the present Tory Government's policies have cut deeper and deeper and put us back into the unhappy position of the early 50s again.

The Tory Government's reign is characterised by ever lengthening queues, in all sorts of situations including Council house waiting lists. Lack of funding for the proper management of council owned stock has led to an appalling lack of repair and renovation. The abandonment of 'Parker Morris' standards — crude though they were — has led to new developments being little better than rabbit hutches. The simple lack of accommodation, particularly in London and the Midlands, has shown itself in very high levels of homelessness. Unemployment and low incomes have led to much greater numbers of people seeking help from councils which are totally unable to provide accommodation for all of

them. Those same two factors have created a demand for mobility around the country, which has put even greater pressure upon stretched and inadequate resources.

Pressure upon local housing authorities' resources has always been great, because the 'market' of the owner-occupied sector, and the private rented sector has been controlled by ability to pay, rather than by Government subsidy and decree. Those who can afford to pay are always able to obtain a home. Whenever those sectors have not been able to meet the demand, or for those who cannot afford to pay — and in a time of high unemployment there will be many for whom this is a fact of life — then these people must turn to the public sector for a solution. Now more than ever before, the public sector is singularly unable to meet this demand.

Authorities have a statutory duty only to rehouse occupants of properties acquired for redevelopment, and to house homeless applicants with 'priority need'. Whilst the first group is housed without fuss by local authorities, the housing of the homeless is a different matter.

Many councils go to considerable lengths to deter homeless applicants to seek what is theirs by right, many thousands of applicants are put off and go in search of some other alternative, or simply continue to have no roof over their heads or are condemned to live in the squalor of multi-occupied property such as Bed and Breakfast hotels and nightshelters. Thus authorities attempt to separate homeless applicants from their 'normal' applicants who are seen as good, and queuing up in an orderly fashion, not like these people who come in and 'jump the queue'.

It is important to ask why homeless people are treated so badly. In essence it reflects the upsurge of punitive prejudices within our society, encouraged by the present Tory Government. There is also a sense in which the Homeless Persons Act has a self defeating character: the more homeless households local authorities accept, the greater the scale of homelessness seems to become. However if there is a duty on the local authority to secure accommodation whilst the alternative channels are only discretionary and likely to be slower, it is natural that those entitled to will present themselves as homeless. So the myths surrounding the apparently competing claims of those on Council waiting lists and homeless applicants are nonsense, the people on waiting lists and homeless applicants are more and more frequently the same people.

The truth of the matter is that homelessness is only one particularly severe form of housing need, and it should be treated as such.

To ensure that homeless people are treated the same as anyone else approaching the council for housing, there should be no bars or limits for any particular group of people in housing need.

One way to bring homelessness into the acceptable fold of housing need is to meet the needs of all those who are homeless, i.e. those who have no secure tenancy of their own. This would be a simple test. It would reduce the atmosphere of interrogation that the limits of the

present Act invite councils to create, and it would ensure that everyone realised that the provision of a home is the first priority of any housing authority.

This of course would need more resources. The present Government has cut public expenditure on housing more severely than any other area of spending. The investment programmes of local Councils have been destroyed, and the number of homes built for rent has fallen to the lowest levels since the war. Thousands of building workers are denied work, whilst people are homeless, and huge profits are made by owners of lodging houses and bed and breakfast establishments, when it would be economically, socially and morally more justifiable to provide secure Council housing for rent.

It is accepted that if sufficient resources were available for all those with any form of housing need, the antagonism which surrounds the housing of homeless people at present would be substantially reduced, and the chances of the acceptance of the 'right to a home' would increase. In the present unseemly scramble for limited resources, the greed of those who want to 'better themselves' is a direct result of our crazy capitalist society.

Homelessness is not inevitable. The Labour Party must insist that the statutory right to a home is a central pillar of a socialist social policy. The 'right to buy' should be countered by a genuine 'right to rent'. There should be no more limits on the freedom of local councils to build or acquire homes for rent than there are on private builders to provide homes for sale. The task of the Labour Party must be to ensure that those without economic power are also guaranteed a decent, secure home at a cost they can afford.

This pamphlet looks at ways in which the present restricted legislation could be improved by local councils now, and argues that a Housing Rights Act should be introduced which will give *the right to a home* to everyone, and will incorporate legislation to compel councils not only to house the homeless, but also all of those who have a housing need.

We hope you will feel motivated to go away and campaign for the introduction of these proposals into your local authority as soon as possible. Those in housing need need your support *now*.



# ***Homelessness v. Waiting List***

One of the more malign products of the increasing pressure on waiting lists has been the growing animosity on the part of waiting list applicants towards the homeless who they see as receiving greater priority in allocations. It has been fuelled and exploited by those seeking to emasculate the Homeless Persons Act. It has helped to reinforce the myth that homeless people are a different breed from those on the waiting list. It has also helped to give legitimacy to the separate treatment of the homeless.

Breaking this false conflict must be a key objective of a socialist housing strategy; to divide people in this way is objectionable and immoral. Homeless applicants are not in fact different in kind from other applicants. More and more frequently they are the same people and would never have become homeless if the waiting list had produced a home. The failure of the 'waiting list' channel to meet their needs, coupled with the breakdown of temporary arrangements to stay with family or friends, is the largest single cause of homelessness in Britain.

Most authorities view the Homeless Persons Act with open hostility. They see it as taking away their discretion, feeling that providing housing within their area should be left to local people as they are best placed to know who they should house and not have the duty imposed on them from above. However the very fact that there is a need for legislation belies this widely-held view.

The impact of the Act on allocations in local authorities has been one of confusion and muddle and of a reluctance to accept homelessness as a priority for allocating housing. Section 113 of the 1957 Housing Act (as amended) directs local authorities to:

"Secure that in the selection of their tenants a reasonable preference is given to persons who are occupying insanitary or overcrowded houses, have large families or are living under unsatisfactory housing conditions and to persons towards whom they are subject to a duty . . . under the Housing (Homeless Persons) Act 1977".

Allocation policies and documents should reflect explicitly these requirements and explain how homelessness is to be administered.

Many authorities' Section 44 documents (explanations of lettings policies) required by 1980 Housing Act specifically mention the separate treatment of the homeless, some give long lists of 'social' priority groups, homelessness being omitted from that list. What is most striking

is the lack of information and confusion about duties under the Act. Many have clearly given little thought to their legal duties. In many cases they could be accused of fettering their discretion under the Act by the use of phrases like “no council tenants with arrears to the authority will be housed”. One-offer policies, minimum length of time in temporary accommodation and only offering flats to homeless applicants are all symptoms of the separate treatment of the homeless. Section 113 of the 1957 Housing Act (as amended) mentions ‘reasonable preference’ being given to the homeless. Does this in fact take place?

The discussion on permanent accommodation elsewhere in this booklet shows how homeless families generally get a raw deal when allocated housing. This is morally objectionable, it reinforces stereotyping and increases the homeless person’s alienation and feeling of being regarded as deviant, and in some way punished for the wider problems of our society.

Moral arguments can have some impact on changing attitudes but what of the legal position? We feel that there is a legal requirement for local authorities to give reasonable preference on their waiting lists to all homeless applicants. It is our conclusion that the intent of the legislation was to put homelessness on a par with bad conditions and overcrowding in assessing priority for housing except for the over-riding duty of those in priority need. It is clear that the separate treatment is both morally and legally wrong.

## **Immediate Responses and Long-Term Reform**

Save for Sect. 113 of the 1957 Act, Councils are free to adopt almost any lettings policy they wish. It is vital to open access to public sector housing. There are a range of ways in which council housing could be more responsive to urgent and acute housing needs. The following suggestions would not require legislation, and we would urge local authorities to give serious consideration to these suggestions.

1. Councils should end all arbitrary restrictions on the allocation or eligibility for council housing, such as residential qualifications, age limits etc.
2. Councils should reform the methods of determining priorities in the allocation of housing so that they are more sensitive to the needs of homeless people in temporary, insecure or shared accommodation.

Such measures could go some way in breaking down the barriers that homeless people encounter. A Housing Rights Act would make all restrictions, and the separate treatment of the homeless unlawful, and it would impose a clear duty on authorities to rehouse all in housing need, priority being given to those in severest need. In essence such an Act would make the need for a Homeless Persons Act superfluous. It is perhaps a sobering thought that the Act was meant to be a safeguard of

last resort, not the common route to housing — sadly this is becoming increasingly the case.

The failure of lettings policies to reflect the demands of the homeless is a tragedy, with the helpless victims being the homeless who slip through the eligibility criteria for many authorities' lettings policy. Councils should accept this failure and embark on a programme of positive action immediately.

If lettings policies reflected the housing needs of the homeless, then the Homeless Persons Act would become a safety net that very few would have to use. However given that it will take time and/or further legislation we feel it essential that the Homeless Persons Act is used to the full. It is to that subject which we now turn.

# ***Resources and Quality of Service***

The Housing (Homeless Persons) Act 1977 is the only major legislation which requires local authorities to house people from their area. It therefore represents an important principle — that Government can instruct a local authority to meet the needs of people in its area. Even more fundamental is the need to provide accommodation for anyone in housing need, and the present Tory Government's attack on the fabric (both literally and metaphorically) of the public housing sector should be utterly condemned.

In the present climate of shortage, and competing demands from other groups needing housing, the temptation is enormous — even in 'radical socialist' Councils — to minimise the requirements of the homeless as far as possible. There cannot be many Councils in Britain who do not operate some sort of disincentive against homeless applicants.

It needs to be pointed out, however, that were a local authority's responsibilities for housing people in need measured by the *demands* made upon them, rather than the cost of provision, and a statutory responsibility placed upon each Council to meet those needs in the same way as it is for 'priority need' homeless now, there would be much less urgent housing need, and housing programmes and provision would be much nearer to the needs of communities.

Given the present structure, however, it is vital that the service provided to homeless applicants should be given positively, with a thought for all the accompanying problems that a newly homeless household will encounter, such as schooling, child-minding, furniture and furnishings, churches and social, family and community contacts. Moving home invariably means uprooting someone from an area that they were used to, and where they knew and could rely upon the local network for support. Almost invariably a new home will be in a new area where all these contacts have to be rebuilt. A great deal more help will be required in most cases than simply an offer of a home, and the keys!

The previous chapter explodes the myth that homeless people are different from other people in housing need, and shows how local authority policies can be revised to allow a lack of accommodation to affect an applicant's priority for housing. This is the fundamental issue at the heart of any discussion of homelessness: once it is realised that local authorities must treat homelessness as the result of lack of housing options and not as a means of applicants manipulating the system, then the best possible services must be provided to help those faced with the

appalling situation of homelessness. Second-class service or treatment which degrades the consumer, is unacceptable.

## **Staffing**

The result of a homeless application all too often depends upon the staff involved. The first contact with the Housing Department is usually with the receptionists on the front desk. Too many councils use untrained staff whose only job is reception, in this, the crucial point of contact. If the receptionist has already seen a continuous flow of people who s/he cannot help other than to take basic details, then the homeless person is not likely to get a helpful impression. It is all too common for people to be sent away by reception staff who are not versed well enough in the Homeless Persons Act to know that some single people may be in priority need.

When a homeless person does get to see the specialist Homeless Officer, the chances are that either the atmosphere will be one of officiousness and hostility, or the person will feel that they have been interrogated as if their claim is not a valid one. The Act requires that local authorities 'satisfy themselves' as to each claim's validity, which puts officers into the position almost of assuming each person is lying until their case is proved.

In terms of training and staff development, housing has always been the Cinderella of local government. Although this state of affairs has been recognised by the Institute of Housing, many local authorities still give housing training the lowest priority in terms of finance and time. It is not unusual to find that a Homeless Officer has had no external or internal training on the Act, and may never have been offered any guidance notes or books as resources. Thus the day to day practices of a Homeless Officer may be derived from the bad practices of colleagues or former officers.

What is a difficult and demanding job is often low-graded in terms of pay and status; badly-supported and ill-trained staff will not stay long, taking any expertise they have gained with them. In smaller authorities, there may be no one person who deals with homelessness, and again the lack of expertise shows itself in the treatment of homeless people, and in the prevention of homelessness, which is as important a task as that of investigating homeless enquiries.

## **Positive Action**

Staff dealing with homeless people should be well trained and have up-to-date, accurate and useful resource material in such topics as: welfare rights, landlord/tenant law, debt counselling, race awareness,

relationship breakdown law, interviewing skills, and housing solutions in all sectors. Staff should deal with each enquiry, from reception to a solution, whether this is housing a person in a priority group or not, or someone who is not technically homeless.

Where an open and sympathetic attitude is adopted towards homeless people, the job of the authority becomes far easier: information is easier to extract, and the applicant feels less threatened and therefore more co-operative. Local authorities who took the opportunity of the introduction of the Homeless Persons Act to employ staff with sympathetic attitudes, have made great progress in dealing with housing problems in their areas. The true extent of the homelessness problem in a borough can be more accurately assessed, allowing an authority not only to plan its own resources but to co-ordinate those of Housing Associations and voluntary agencies.

LHG considers that more staff should be employed both to cope effectively with the current legislation and with proposals to extend priority groups.

## **Councillors**

Given the above criticisms of the lack of expertise of officers, councillors find the field of homelessness bewildering and too complex for them to deal with. The result is that members rarely appreciate the type of service offered by their department and cannot ensure that the authority carries out its responsibilities correctly. The political will to advance the service in helping the homeless and badly housed, may well be thwarted by ignorant or obstructive officers.

To be effective, councillors must take a stronger role in policy formulation and in ensuring that practices are both legally correct and humane. Councillors should not be afraid to seek information from sources other than their own officers; working parties or liaison bodies involving voluntary agencies and Social Services Departments have proved to be invaluable in the many boroughs where they have been established. Progressive policies can be furthered by such bodies whose aims are to alleviate homelessness through imaginative and innovative proposals.

## **Resources**

One of the main shortcomings of the Act was that there were no resources put at authorities' disposal to ensure that the Act was implemented effectively. As later chapters outline, the result of this inaction has been to place homeless families in poor Bed and Breakfast establishments or overcrowded uncomfortable hostels, in some cases

many miles away from their original homes. Further, the Act made no difference to the quality of accommodation offered to people housed permanently under the duties it placed upon local authorities.

In terms of temporary accommodation, the miserable situation in which some local authorities are placing people — families staying in one room in a hotel for as long as three years — has taken us back to the days of *Cathy Come Home*. The Government must provide adequate finances to enable local authorities to set up good quality temporary accommodation and to rehouse homeless households speedily into decent permanent housing. This must be a first priority for the next Labour Government.

# ***Vulnerability/Non Priority Groups***

The notion of priority/non priority groups in the Homeless Persons Act is a residue from the 1948 National Assistance Act. Most authorities interpreted the use of 'homeless persons' in this Act as meaning families. Differing the degree of help given to homeless applicants depending on their 'priority' introduces the concept of deserving and non-deserving. What is central to the policy of the LHG is that *all* homeless people, no matter what their family status, should have a right to housing.

## **The Present Position**

The 1977 Act requires local authorities to house homeless persons only if they are deemed as having 'priority need'. Housing authorities also have a duty to provide 'advice and assistance' to homeless people falling outside of these priority groups.

Priority need is accorded to the following people:

- (i) Parents (single or couples) with dependant children living with them.
- (ii) Pregnant women and anyone (e.g. baby's father) who might reasonably be expected to live with them.
- (iii) People rendered homeless by an emergency such as fire, flood or other disaster.
- (iv) Others deemed vulnerable; where individuals or other persons residing with him or her are vulnerable because of old age, mental illness or handicap, or physical disability or other special reason.

It is in category (iv) above that there is scope for argument and advocacy. The Code of Guidance invites councils to be flexible in their interpretation of the Act. The Code has been adopted with varying flexibility, and in some cases not at all. This is no doubt because the Codes' legal status has never been clear. Its influence on good practice was severely weakened in the case of *Din v. Wandsworth LBC* 1981 where it was held that a council was not bound by the Code of Guidance and could depart from it. Such a decision is clearly against the intention and spirit of the Act.

The Code is clear about the more obvious cases of old age and physical disability, but beyond these councils will decide on the basis of what appears to meet their policies and constraints, in any given situation. Within London and Metropolitan Districts there are guidelines defining vulnerability, but these are purely advisory. There is no guarantee of



consistency in decisions within one housing authority, and great differences between authorities. In practice most authorities have an extremely restricted view of vulnerability even though as in the case of disability the Code urges authorities to take a wide and flexible view of what constitutes substantial disability, recognising that this will depend on individual circumstances. Councils are urged to seek the help of the district health authority and social services in assessing such cases. However in many authorities there is little or no liaison between the housing department and other departments within the authority. In some authorities the housing department, even though there is some liaison, reserve the right to make the final decision which may often be totally at odds with the opinion of for example the Social Services Department.

In some progressive housing authorities, particularly where a good housing aid service exists, a single person may stand a reasonable chance of gaining accommodation, firstly on a temporary basis, and ultimately with a permanent tenancy. This will be because the housing authority is willing to consider a wide interpretation of say, mental illness or other special reasons, such as 'youth', discharge from prison, closure of a hostel, etc. In 1982 the case of *Regina v. Waveney District Council ex parte Bowers* (Court of Appeal) decided Mr Bowers especially vulnerable because he suffered brain damage as the result of an accident. However disability due to drug or drink dependency is rarely accepted as evidence of vulnerability.

There are many cases of people emerging from rehabilitation without somewhere to stay, and where there is inadequate support. Some authorities consider that once a person has left a hospital or other institution they are no longer vulnerable in terms of the Act. On the other hand some authorities see people who are in hospital as not homeless, or not potentially homeless unless they have a deadline. This all means that people leaving institutions find it very difficult to gain accommodation.

## **Immediate Response**

It is not illegal to go beyond the minimum statutory duties of the legislation. Already some Labour controlled authorities have begun to accept responsibility for more homeless people. For example, Newcastle City Council introduced a policy in 1982 of accepting responsibility for all homeless under 18 year olds. To help those they consider to be particularly vulnerable Liverpool have a policy of accepting responsibility for all homeless women. District Labour Parties can be instrumental in promoting good practice policy and practice within their areas. Sheffield's 1984 Manifesto commitment on housing included an undertaking that Labour would: "as a minimum abide by the Code of Guidance; and when interpreting vulnerability take into consideration the broad range of social needs which constitute vulnerability; including

single battered women, ex-offenders, people with drug/drink problems . . . and people who have been subjected to sexual abuse”.

At the very least all Labour authorities should follow the Code of Guidance and seek to rehouse as many ‘non priority’ applicants as possible.

Other immediate responses could include

- (i) Clearer direction on indices of vulnerability, to cover the very young adult, mentally ill, drink and drug dependants, all those who suffer from, or are in fear of violence or harassment etc.
- (ii) Making money available to pay for additional social support for people unable to function properly on their own.
- (iii) Set up working parties with District Health Authorities and Social Services to plan the housing department’s response to people leaving institutions.
- (iv) Greater willingness to look at new housing models for such people.

## **Advice and Assistance**

Given that under the present Tory Government the likelihood of extending the definition of priority need is remote (they resisted strong pressure to extend priority groups at the time of the review of the Code in 1983), then any extension will be dependant on local authorities taking this action upon themselves. In the meantime those deemed as in a non priority group will have to fall back on the ‘advice and assistance’ councils are required to offer to help non-priority people gain accommodation. In practice non-priority homeless people tend to be single people or childless couples who do not have special difficulties rendering them vulnerable, and who have not been rendered homeless by an emergency.

The advice and assistance offered varies greatly between housing authorities. Some may operate their own short term accommodation, or may be a major funder of a good voluntarily-run hostel. Some may have agreements to rehouse after a defined period of stable residence. In practice this is more common in areas where waiting lists are of manageable proportions, and where a programme of single person dwellings has been achieved by new build or conversion.

At the opposite end of the spectrum a housing authority may have a policy (often unwritten) to discourage all single homeless people either because they have very few small units and are unable or unwilling to look at other possibilities, or because they regard such people as undesirable, and if helped, will be likely to attract others to the area.

In such authorities, the advice and assistance may be non-existent, the applicant never getting beyond the receptionist, or it may comprise solely of advice to return to parents, husband etc and/or a list of Bed and Breakfast hotels or the address of some other authority hostel some miles away.

Between the two extremes, some authorities may be able to telephone a landlady/lord known to be sympathetic, and may also advise on entitlements to supplementary/housing benefit and be willing to try again if an applicant has been unsuccessful first time.

Labour authorities must strive to improve the quality of advice and assistance given, ensuring that it is up to date, accurate and appropriate to the circumstances of the presenting individual. It should also be available in ethnic minority languages. Applicants must be guaranteed an in depth interview to assess possible priority need status. Any temporary accommodation suggested should preferably be council-owned but failing this councils should *not* refer non-priority applicants to Bed and Breakfast hotels known to be sub-standard, and should in any event use their powers to improve them.

## **Long Term Reform**

LHG policy is to remove the hurdle of priority need. This is fundamental to any future discussion on homelessness. The treatment of homeless single people or childless couples that is described above is unacceptable, and we should be looking for a society which does not require proof of personal disorder before someone can have a home.

# ***Violence and Relationship Breakdown***

The Homeless Persons Act gives protection to those fleeing domestic violence. Section 1(2) states that a person is homeless if s/he has accommodation but

“it is probable that occupation of it will lead to violence from some other person residing in it or to threats of violence from some other person residing in it and likely to carry out the threats”.

The intention behind this was principally to prevent councils from forcing a partner fleeing violence into returning to a violent relationship, where they had been ‘paying the rent in bruises’.

Despite this laudable intention both the theory and practice have very serious drawbacks. We must first look at what the definition of violence under the terms of the Act is seen to be. Violence is seen solely as physical violence and does not include mental cruelty. Second the violence must come from within the home as the sub-section specifically states “from some other person residing in it”. Therefore a woman who has separated from a violent partner, but is still being harassed by him, has no protection.

People are usually not accepted as homeless if the homelessness is the result of a non-violent relationship breakdown.

These then are the main drawbacks with the Act’s definition of violence and homelessness.

The practices of authorities vary tremendously. Authorities require different degrees of proof to establish whether violence has occurred or been threatened. Some require court orders, others want solicitors’ letters. Social work reports are often demanded. Incredibly some authorities actually want physical evidence that violence has occurred i.e. they want to see cuts and bruises and refuse to accept that violence has occurred if such proof is not forthcoming. This is clearly at odds with the Act which includes ‘threats’ likely to be carried out, so actual physical violence is not essential.

There are even some authorities who never accept that the breakdown of the relationship was violent. It has been known for a local authority to contact the violent party asking if he has been violent to his partner; if he denies the attacks then the authority assumes it is safe for the fleeing partner to return. The implications of these attitudes on ‘proof of violence’ often leads to inappropriate action in the courts, for example injunctions which are often worthless. Often fleeing partners are forced

to return to a violent partner with all the resultant dangers. Most couples understandably want to separate when the decision has been made that the marriage or cohabitation has broken down. Refusing to accept as homeless people whose relationships has broken down non-violently, puts considerable pressure upon both partners and sometimes leads to violence at a later stage.

Authorities' restrictive interpretation of the Act has led in some cases to people being deemed as not homeless because the violent attacks come from someone who is *not* the partner. However the Act merely states that the violence etc must be from someone residing in the home and nowhere does it mention the necessity of a marriage-type relationship, yet some authorities demand that the violence must come from a partner, rather than from a parent or flat-mate.

## **Non-violent Breakdown**

Although the Code of Guidance suggests that people should be regarded as homeless if they are suffering from severe emotional stress as the result of relationship breakdown, very few authorities accept this in practice.

Women's need for rehousing in their own right often arises out of a crisis. However, their worse economic position results in limited access to the private housing market, and consequently they must often depend upon public housing. Women single parents are disproportionately represented among the homeless. It is unacceptable that some local authorities make women feel utterly shameful about their relationship breakdown (whether violent or not) and such harsh treatment compounds the unhappiness of the situation. Councils must be sympathetic to the fears and wishes of women, giving the opportunity for the woman to be interviewed by another woman if they so wish.

The plight of those suffering non-violent relationship breakdown must also be acknowledged and any change in legislation would accept that people who fall into this category are also homeless.

## **Problems with "Priority Need"**

Once a partner fleeing violence has established that they are homeless, the next hurdle to get over is that of 'priority need'. It may be felt that if the woman has children then that will automatically mean that she is in priority need. However, some authorities demand custody orders even though the Act states that anyone who has dependant children who are residing with them, or might reasonably be expected to reside with them, are in priority need. The Code further suggests that custody orders should not be necessary.

The second point on priority need concerns single women fleeing violence: the Code suggests that housing departments should consider single homeless women fleeing violence as vulnerable and therefore in priority need. However single women who have left because of violence are rarely accepted as in priority need.

## **Problems with Local Connection**

If someone applies to a different local authority because s/he is fleeing from violence, the authority has to decide whether the person would be at risk of violence in the area that they came from. The decision is usually based upon the attitude of the authority in the area that the person comes from, rather than on the person's fears and wishes, as is recommended in the Code of Guidance. (This subject is covered further in the next chapter.)

## **Proposals**

Immediate responses to the problems of homelessness caused by relationship breakdown have been outlined above. Any long term reform of the Act must include recognition of the particular problems of this subject and must be humane and sympathetic to the needs of the applicant, and must recognise that people in this situation must be housed whether or not the breakdown was violent. Anyone who is in fear of violence or harassment, from whatever source, in their present home would be considered homeless. A socialist approach must also recognise the particularly weak economic position of women and afford them access to permanent secure housing and avoid them having to live in temporary accommodation, with all its discomfort and uncertainty.

## CHAPTER 6

# ***Local Connection***

### **Introduction**

The local connection provision in the Homeless Persons Act was inserted as a sop to the southern 'magnet' authorities who felt that unless there were certain safeguards regarding connections with the area to which the homeless household applied then they would be swamped by homeless people moving to their areas for work. These authorities did indicate at the time of the Homeless Persons Bill that if such safeguards were not introduced then they would do all within their power to see that the Bill never found its way onto the statute book. So the local connection provision then, can be seen very much as a compromise and at variance to the original intention of the Act. The local connection rules effectively debar authorities from shunting homeless people around without anyone ever taking responsibility, by placing the duty under the Act on the authority where a person has a local connection.

Local connection is defined as a connection which a person has with an area: because he is resident in it, and his residence in it was or is of his own choice; because he is employed in it; because of family associations; or because of any special circumstances. The Code of Guidance points out that if any member of the applicant's household has any such connection with the area to whom application is made then the duty to secure accommodation will rest with that authority; they may not seek to transfer responsibility on the grounds that the person has a stronger local connection with the area of another authority.

The working definition of local connection is set down in The Agreement on Procedures for Referrals of the Homeless, worked out between local authority associations. Normal residence is defined as residence for at least 6 out of the last 12 months or 3 years out of the last 5. Work in the area is defined as work not of a casual nature. Family associations are defined as parents, adult children, brothers or sisters currently residing in the area and resident for at least 5 years, and that the applicant wishes to be near them.

### **Present Position**

The fears of the 'magnet' authorities have been totally unfounded and there has not been the massive drift to the south that they feared so much. Even though this migration to the south has not happened, the

policies of authorities in such areas have been extremely oppressive and reminiscent of the Poor Law. In practice over 80 per cent of homeless applicants have lived in the local authority area to which they apply for over one year.

Establishing that an applicant has a local connection with their area is not a mandatory duty on local authorities, the Act merely giving them the discretion to do this if they so wish. However most authorities have a policy that in effect means that a local connection must be in existence before they will accept a duty to rehouse (other than in very limited circumstances which will be discussed later).

Most local authorities slavishly follow the AMA Agreement on local connection and by so doing they have in effect fettered their discretion. Other authorities have even more restricting policies.

The local connection provisions adversely affect the following groups.

## **Women Fleeing Violence**

If someone applies to an authority and the authority are of the opinion that a person has a local connection with another authority and no connection with the council to which she applied then they may notify the other authority of the application, and if the notified authority agree to accept the transfer then the duty to secure accommodation passes to them. If however, the applicant will run the risk of domestic violence in the authority with which she has a local connection then the authority to which she applied cannot refer the application on.

Many councils in practice do in fact refer women back to where they come from even though there is a clear threat of violence. All too often the decision is based upon the attitude of the authority in the area that the person comes from, and no regard is given to the person's fears and wishes even though this is recommended in the Code of Guidance.

## **People Moving for Work or Better Living Conditions**

People moving to an area hoping to find work or new opportunities (keeping in line with some favourite Tory doctrine!) but who have no local connection with that area are merely sent back to where they came from.

In theory the authority to which a person applies must secure accommodation for them (if in priority need) until it is decided which authority is responsible. However practice varies widely: rather than providing temporary accommodation many authorities inform applicants that as they have no local connection then they have no right to accommodation, often leaving the household without a roof over their head, and with no idea of their rights to at least temporary



accommodation. In fact sometimes there will be a local connection but inadequate interviewing techniques often mean that this fact is not brought to light.

## **People Leaving Institutions**

The local connection provisions in the Act and in the Local Authority Agreement on procedures for referrals of the homeless (6th June 1979) particularly affect those who have been living in institutions.

People whose residence in an area is solely because they are in an institution, prison or serving in the armed forces are debarred from claiming a local connection in that area. In some cases people may in fact not want to be rehoused in that area, but it is a ludicrous position where someone has built up links in the community and feels that the area is in fact their 'home' for them to be denied the right to settle there.

## **People with no local connection with any authority**

The unimaginative policies of some authorities towards homeless people with no local connection with any authority have been documented at length. Some authorities try desperately to shunt people off to another area *or* if they come from outside of Britain to send them back to where they came from, often without investigating if accommodation is available or if it is safe to return. It is unacceptable to act in this way, and local authorities should accept responsibility for people falling into these categories, in order to allow them the chance to settle in this country.

## **Immediate Responses and Long Term Reform**

Local authorities need not await long term reform before responding with positive action on local connection. Councils may ignore the local connection if they so wish, they are merely discretionary and therefore there is no compulsion to use them. So Labour councils should immediately dispense with the use of local connection. Any new piece of legislation must exclude any need for a person to establish a local connection before his/her right to a home can be established.

LHG recognises the problems which face both rural and seaside authorities. House building programmes must take account of employment and settlement patterns. The Homeless Persons Act should not be used as a control mechanism to prevent people moving for work or social reasons. But careful consideration must be given to abolishing the requirement to prove a local connection.

# ***Intentional Homelessness***

The original intention of Parliament in putting in the clause of intentionality, was that people would not be able to obtain council housing by deliberately making themselves homeless. The idea that a family might be able to coolly and carefully plan to lose one house, knowing they had the right to another, worried local authorities who persuaded the Government to introduce this protection clause.

The original Code of Guidance, however, made it quite clear that the number of abuses of the Act was expected to be quite small. The Code gave sensible guidance to local authorities as to what they would be expected to treat as deliberate acts designed to gain entitlement undeservedly.

And yet the types of cases treated as intentionally homeless have far exceeded that expected. Every housing aid worker around the country has horror stories, and many of these have been well documented in Shelter's publication *Intentional Homelessness* (1981).

Why should this be the case? How is it that Labour councils are to be found amongst those declaring homeless people to be intentionally homeless, through such 'deliberate' acts as leaving tied accommodation, or abandoning a house in an area where break-ins happen so frequently that no one has anything left to be taken? How could Labour councils justify a policy that any family evicted for rent arrears will be deemed intentionally homeless? How are people to find work if they do not give up accommodation in an area of high unemployment for the promise of a job elsewhere?

Housing authorities, too often, see themselves as part of the state's network of operators of social control. Like the police, they see their role as one of making sure things do not get out of control. A family which abandoned a house on an estate with high heating bills, damp and unsafe construction would be followed by many others, unless the council forces the family to return to await a transfer. The intentionality clause allows councils to ensure that even the housing in the worst condition remains occupied until money can be found to renovate or demolish.

The result of this philosophy is that people who do try to change things are punished: the woman who gets out of her tied cottage because she is paid a pittance by the local landowner, for whom she is a housekeeper, is told she is irresponsible in giving up her job, knowing that she would lose her home; the Asian man who brings his family here from Pakistan is irresponsible because he knew that his brother could not put him and his

family up for long; and the couple who leave their privately-rented flat, when the landlord's workmen start rebuilding it around them, simply has to realise that there are other ways to deal with the situation, rather than abandoning ship and expecting the council to rescue them.

## **Rent Arrears**

There is the theory of the example that has to be set to others in the area. Were a council to rehouse a family, evicted with hundreds of pounds of rent arrears, then it is assumed that no one will ever pay their rent. By publicising the 'eviction without rehousing', the council hopes to show it is prepared to take action. It has then closed its eyes to the cause of rent arrears, the possibility of the family making an arrangement and keeping it, and the results of leaving a family destitute, and with the possibility of children being taken into care. All too often actions of this sort are attempted where the family has fallen into rent arrears through poverty or personal crisis.

The intentionality clause was intended to be used only where rent arrears arise through 'wilful and persistent refusal' to pay rent. When thoroughly investigated, the numbers of cases in this category would be found to be virtually nil. Use of this device to exclude people from permanent housing then looks as if it is much too over-reactive.

## **Chain of Intentionality**

The Courts have qualified what is meant by a deliberate act in this context. The 'chain of intentionality' whereby a household can be considered to become deliberately homeless if accommodation found after eviction is known to be only temporary, has enabled wayward councils to fulfil their intention to avoid responsibilities under the Act. If there only is temporary accommodation to be found, how are people in this situation ever to resolve their housing problem?

## **Mobility**

The intentionality clause has also been used to discourage people from leaving one area whether in Britain or elsewhere to seek accommodation anew.

Were people to be entitled to apply for housing anywhere in the country and their need to move was recognised then councils would not find households applying as homeless when trying to move.

Intentionality should never be used with regard to housing of people coming to this country for the first time or returning to this country who

may or may not have property overseas. In such cases where people have no housing appropriate to their needs in this country, yet have every right to be here, then a housing department has a duty to provide appropriate accommodation.

## **Proposals**

Labour councils, then, must refrain from using this clause in the Homeless Persons Act and accept that most homeless applications come from people who have no alternative but to use the last step open to them of applying for their rights to housing granted by this Act. The answer to the lack of resources in housing in Britain cannot lie with determining that some people do not deserve housing. The next Labour Government must repeal this section of the Homeless Persons Act.

# ***Temporary Accommodation***

One of the most important provisions of the Homeless Persons Act is the duty of a local authority to make sure that any homeless applicant in priority need has a roof over his or her head from the time of approaching the council. The Act does not state what standard or type of accommodation this must be. The Code of Guidance recommends that it is no longer acceptable to split families up in different hostels, and that Bed and Breakfast should be used as a last resort.

Despite the very laudable intentions of Parliament in passing the Homeless Persons Act, the provision and standards of temporary accommodation are so bad in some areas that the misery of homelessness is made even more acute. It seems that some councils are trying to dissuade people from presenting themselves as homeless by the threat of putting them into either overcrowded and squalid hotels or establishments with prison-like regimes.

## **Why Provide Temporary Accommodation?**

Temporary accommodation is provided by local authorities in several situations: firstly, for households who present themselves as literally homeless, while the local authority does its investigations on the reasons for that homelessness and the household's priority need, intentionality and local connection; secondly, once responsibility has been accepted, whilst a permanent home has to be found; and finally, temporary accommodation must be provided if a household in priority need is being referred to another council or declared intentionally homeless. Which ever of the above applies, the temporary accommodation will generally be the same.

Some councils would say that if a family is homeless, they *must* go into temporary accommodation. The practice of some councils to accept that families can make temporary arrangements with friends and still be defined as threatened with homelessness, means that the upheaval of moving into a hostel which may be some miles from the applicant's family, school, or job, can be avoided. So too can the local authority be spared the unnecessary expense of providing so many hostel or Bed and Breakfast places.

A sensitive approach to homelessness must recognise that a stay in temporary accommodation is not a vital stage in the process of a

homeless applicant securing a permanent home. It should be possible for a local authority to rehouse someone into permanent accommodation immediately, giving them sufficient time before the start of the tenancy to arrange for services and furniture. Local authorities should endeavour to do this as much as possible.

## **Bed and Breakfast**

The scandal of over 2,000 families currently living in hotels throughout London has been well documented recently and no one can fail to be shocked by the conditions which families have to expect to live in for up to three years, in some cases. The Government's massive cuts in housing expenditure leading to a virtual standstill in house-building and renovation, and the lack of extra finance given to local authorities on the introduction of the Act, are to be blamed for the recent increases in families suffering these miseries. However, it is quite clear that the use of Bed and Breakfast in many areas has been necessary because of the inadequate arrangements made for the provision of their own temporary accommodation.

Some local authorities only use accommodation outside of the borough, either because of the lack of cheap hotels locally or to reduce the pressures upon other resources such as education, social services, health visitors etc are not the problem of the sending Borough. There are several notable places like this around the country, where homeless families from a number of boroughs converge on a few hotels.

The income that unscrupulous landlords are receiving from the rate-payers is astronomically high. It would pay many boroughs several times over to house all their hotel-dwelling families into the Council's permanent stock, or at least into Council-run hostels.

Some local authorities require that homeless families stay in temporary accommodation for a minimum period, usually measured in months. The accommodation is likely to be smaller and less well-furnished than a normal home, and the family may be sharing some or all of their facilities with others. Such long stays in these surroundings put unreasonable pressure on people who have already had to face the discomfort and probably misery of losing their home. They may also have to break ties built up in the prolonged stay in temporary accommodation, when permanent housing is finally offered.

## **Proposals**

For homeless households rehoused by a local authority under the Act, Bed and Breakfast should not be used at all. Where there is no alternative at present, local authorities should ensure that the hotel meets fire and

health standards and that families are accommodated within their home borough.

Local authorities should only use temporary accommodation in an emergency and should not require all homeless households to stay in a hostel/hotel en route to permanent housing. Hostels should be run by the local authority and should be managed by well-trained sympathetic staff who allow residents freedom to run their own lives. Bedrooms should never be shared by two families and if possible accommodation should be self-contained.

Homeless households should be subjected to as little disruption in their lives as possible; rehousing directly into permanent accommodation should be the norm and councillors should insist that lettings practices allow this to happen.

## **Non-priority Groups**

Accommodation which is used by people who fall outside the provisions of the Homeless Persons Act is commonly of the worst standards of any housing. The Houses in Multiple Occupation Group is trying to achieve minimum standards in all multi-occupied hostels, lodging houses and bedsits, by encouraging councils to adopt seven key demands, which are:

- (i) Set up to date minimum standards for all houses in multiple occupation (HMO's).
- (ii) Carry out a full inspection of their areas at least once every two years to identify those properties falling below these standards.
- (iii) Enforce minimum standards in all HMO's, and establish a planned programme of enforcement action, giving priority to the worst HMO's.
- (iv) Publicise to all occupants their rights against harassment by landlords, and how they can make complaints and obtain remedies against poor conditions.
- (v) Rehouse all occupants made homeless as a result of enforcement action.
- (vi) Ensure an effective emergency housing service for all homeless people, in particular for single people and childless couples, and that the service is fully integrated with housing and social services.
- (vii) Demand the resources from Government and local authority associations to provide for these initiatives.

## **Proposals**

Whilst this booklet recommends that there should be no homeless people to whom there is not a duty to rehouse, until such legislation is enacted, or all councils voluntarily extend priority groups, single people and

childless couples will be left to find their own temporary solutions. Local authorities should join the HMO campaign and should enforce minimum standards in their own areas. They should not hand out lists which recommend substandard hotels or hostels. They should seek to manage their own hostels for single people and couples without children. Homeless people who are subjected to racial discrimination, sexual harassment or harassment or eviction on account of complaints about living conditions should be treated as if they were in a priority group.



# ***Permanent Accommodation***

Permanent housing is the most difficult area of all, since it is probable that most councils use one or more of various methods to ensure that homeless applicants have to jump through as many hoops as to thoroughly degrade themselves before being housed. Examples of these practices include one offer only, 'dump estates', no houses offered, use of mobility schemes to get shorter term residents housed, and the minimum length of time mechanism to ensure that people live in totally miserable and temporary housing situations for a certain length of time before getting even their first offer.

Neither the Homeless Persons Act nor the Code of Guidance give any indication of how many offers of permanent accommodation a homeless applicant in priority need should receive. In practice most authorities have a policy of making only one offer regardless of the applicants wishes or needs. Such policies were reinforced by the decision in the case of *Regina v. Westminster City Council ex parte Chambers* (*Times Law Reports*; 21.10.82) where it was held that a single offer of accommodation which is appropriate is sufficient to discharge the local authority's duty.

Many homeless people are made a single offer on a 'dump estate'. To expect homeless people to accept an offer of what may be unsuitable accommodation both in terms of location, type and size under the threat that it is all they will be offered, puts them in an unenviable position. 'Dump estates' seem to be in evidence in most larger housing authorities. They are created by housing a few rowdy households onto an estate, making it quite clear from whence they came, and then the spiral has begun, and the more people will try to get out of the estate, the more vacancies occur, and the harder the council will find the letting of the resultant vacancies. So councils, hoping to cut down on the number of vacancies on such estates adopt an inhuman policy of 'compelling' homeless people to live in areas where others have long since refused to live, or if they refuse the offer they faced with a long period in 'temporary' accommodation before an offer of alternative accommodation is forthcoming from the waiting list.

Some councils only offer 'lower quality' property to all homeless families despite this being the only statutory rehousing responsibility of the council. Practice shows that in some areas homeless families are never offered houses, they will be offered flats or maisonettes.

In London, some councils use the GLC 'mobility scheme' for

nominating families with certain factors (such as a short residence in their Borough) out of the area to a Borough which they have probably not indicated that they want. Several councils have large nomination rights, but no one actually wants to be housed in the stock available through the scheme. This is the worst form of 'dump estate' allocation.

The practice of granting a temporary licence whilst an applicant's suitability as a tenant is assessed is common in some authorities in the north-east. The licence is granted for up to a year, and if the applicant pays rent and generally 'behaves him/herself', the licence is changed to the status of a secure tenancy. In our opinion, this is outside the remit of the council's legal powers.

## **Proposals**

All the above are clearly punitive towards homeless people, and once again they highlight the separate treatment of homeless families. The LHG recommendation that homeless applicants should be integrated into the waiting list would ensure that they would no longer be restricted to 'dump estates' or a limited choice through one offer policies. Is it equitable that waiting list applicants may have no restriction on the number of offers made to them whilst homeless families are restricted to one offer on a 'dump estate'?

Labour councils should take the applicant's wishes into account: like temporary accommodation, permanent housing must be offered in an area that will enable family, community and other ties to be maintained.

Letting officers should increasingly take on the role of providing a service to the homeless and not see the duty to house as an irritant and an unwelcome imposition. Allocators should only offer accommodation that the applicant is prepared to accept; this would reduce the antagonism that homeless families justifiably feel towards housing officers and also avoid homeless people feeling thoroughly degraded by the whole process. The journey from homelessness to permanent housing should be treated with sympathy and applicants must be allowed to retain their dignity.

Councils should make use of the full range of housing options through housing associations, reciprocal exchanges etc, again taking into account the wishes of the applicant. Ethnic origin monitoring of allocation practices should be used to prevent institutionalised racism affecting the choices of ethnic minority households.

Labour councils must not use the temporary licence practice before granting a secure tenancy. If the applicant crosses all the hurdles of homelessness; priority need; intentionality; and local connection, they should be granted a secure tenancy immediately and not have to pass the test of tenant suitability — a test no waiting list applicant would ever have to pass. Labour councils should not in any case be using any practices which have dubious legality.

## ***The Hidden Homeless***

It is now recognised that there are a large number of homeless people whose homelessness is 'hidden' because they are living in squats, sleeping on floors, staying with friends or relatives or even sleeping rough. These people are often women who fear hostel life and in any case can rarely find suitable accommodation because of the scarcity of places. No one knows how many 'hidden homeless' households there are because local authorities, which might be the appropriate place for them to register, have nothing to offer to most of them and no duty to record the number of homeless people in their area.

Until a duty is placed on local authorities to record details of homeless people in the area and to offer accommodation to them, this situation is unlikely to change. The present system of offering 'advice and assistance' fails to provide a comprehensive service, even in those boroughs with localised housing aid centres. There is frequently insufficient liaison between Housing Aid centres and homeless persons units, so 'possibly vulnerable' single people are not automatically referred to the Homeless Persons Unit and their cases are not followed up. Those who apparently are not vulnerable are generally told that there is little that the council can do to help, and are provided with lists of accommodation agencies, hostels, bed and breakfast hotels and local newspapers where rooms and flats are advertised. Even when someone is literally homeless (but not vulnerable) the best a progressive local authority can usually do is to book the person into a hostel which may well be in a different part of town and give advice on claiming the cost from the DHSS. Not surprisingly, many desperate people, knowing how little councils can do to help, simply do not bother to approach them.

### **Squatting and Short-life**

Alternative sources of accommodation for several thousand homeless people in the larger towns and cities have come from squatting and short life housing groups. In London probably 20,000 people are squatting, mostly in public sector housing. This is down from its peak in the early 70s and many squatters living in individual flats and houses are unorganised and very vulnerable, despite the existence of the Advisory Service for Squatters and experienced squatting groups in boroughs like Southwark. The property occupied by the squatters is usually referred to

as void by the owners and the occupants are only very rarely visited by housing staff, except to gain information for court reports before being evicted. They are very definitely part of the 'hidden homeless'.

Short life housing has expanded enormously and now represents a small but distinct housing sector which, in some cases, accounts for over 2-5 per cent of a borough's stock. For single and non-vulnerable people the system institutionalises their existing disadvantages in the housing market, because licences specify that the local authority is not bound to rehouse them in alternative housing. In practice, other short life housing is often available because of delays in getting permanent schemes off the ground. Yet the prospect for licensees is at best a succession of short life homes, all in the worst condition unmodernised, rejected for permanent housing for council tenants and due to undergo major works whenever funds are available. Even though there are now at least 30,000 households living in short life housing in London, very little is known about them. Unless they have children or are vulnerable for age or health reasons, there is no obligation for the council to rehouse them. Like people squatting, short life licensees are part of the 'hidden homeless'.

During the past few years many short life groups have sought to operate equal opportunity policies and as a result have housed more black and ethnic minority households. Local authorities, which had swung away from using 'sub-standard' housing for families are now moving back to using short life housing again to avoid the even worse conditions of 'bed and breakfast' hotels. If resources for permanent housing schemes do not increase immediately the conscious use of 'sub-standard' short life property will increase and will become a ghetto for homeless families and black and ethnic minority single person households, from which it will become harder and harder to escape. Because they are living in 'ordinary' housing as opposed to identifiable hotels and hostels their needs may well become even more 'hidden'.

## **Hostels and Special Projects**

Other recent housing policy changes such as the promotion of special projects may also be increasing the number of 'hidden homeless'. Shared housing and hostels, while recognised as being an 'interim' measure for many people are being developed in a big way by many established housing associations, and are often their only programme for single people below retirement age. As a result many people are moving into special projects with no guarantee that they will be able to move out to their own self contained accommodation. Again, declining resources are likely to exacerbate this problem.

## **Women**

Women suffer in terms of access to housing because of lower incomes,

difficulties in obtaining mortgages and the problems of women who are leaving relationships, violent or otherwise.

The obstacles put in the way of women separating from husbands and boy friends are increased by housing difficulties. The fear of managing alone, possibly in an area that would not have been chosen to live in, drives many women back to violent husbands or to live in with parents, putting up with overcrowded conditions and overkind families until a better offer of housing can be obtained.

Women, too, stay in hospital because housing cannot be found for them, or there isn't the support to ease them into independence. Large institutional hostels have been homes for many such people for years, dumped there by social workers keen to get them out of mental hospitals or psychiatric wards.

Sexual harassment also keeps women in situations that they would rather be out of: both in hotels and in other people's homes, women have been pressured into providing sexual favours in return for somewhere to stay. The fact that there is little choice over temporary accommodation for homeless single people means that this harassment has sometimes to be endured as there is nowhere else to go.

## **Young People and Ethnic Minorities**

In many cities where young homelessness is not recognised at all, or where there are simply no facilities for young people, to stay a few nights with each friend becomes the only option. If the council does not house under-18s or does not have very much single person accommodation, there may be little point in registering on the council waiting list. Fortunately some councils are now realising that provided they consider single or young single people for housing, they will be able to measure the need. At last local authorities are waking up to the fact that Britain has a huge number of single households, and is no longer saying that only families have a 'legitimate' need for housing.

As if the problem of young people who are homeless were not enough, the difficulties faced by Asian youngsters are far more intractable. Many cultures other than that of the west do not allow hospitality to be refused to family and friends. The problem is that the Homeless Persons Act does not recognise homelessness until it becomes actual or threatened within a quantifiable time: few Asian families, for example, would tell a relative to leave, no matter what strictures the householder is putting the whole family through. So the young person, or family, cannot apply as homeless and simply puts up with gross overcrowding until their number is called by the lettings officer.

## **Proposals**

There must be an obligation on local authorities to record all housing

enquiries and to publish this information annually. These enquiries should be seen as an index of demand and HIP bids be made on that basis.

There should be a right to housing for all homeless people who register with the local authority.

Anyone who is a licensee (and by implication insecure) should be guaranteed permanent housing in other, suitable accommodation within a reasonable time.

Homelessness should include, in its definition overcrowding in which it is unreasonable to continue.

## ***Appeals Procedures***

### **1. Labour Housing Group Policy**

In its 1981 resolution on housing policy with respect to the homeless (see Appendix 1), the Labour Housing Group identified the need for enforcement of the present legislation as a matter of prime concern. The Group resolved to seek:

“The introduction of an effective appeal procedure against local authority decisions made in connection with homelessness applications”.

Throughout the past three years individual members of the Group have been campaigning to improve the administration of the 1977 Act by their local Labour authorities and, where possible, to establish ‘informal’ appeal processes within those authorities.

This chapter surveys the background and present scene regarding enforcement of rights for the homeless and offers options for both immediate and long term reform.

### **2. Background**

The 1977 Act sets out an extensive range of duties owed to the homeless or potentially homeless by the local authorities to which they turn for assistance. However, with the sole exception of disputes concerning ‘local connections’ (see below), the Act is entirely silent as to the enforcement mechanisms for those aggrieved by a failure to operate the Act properly.

This obvious omission did not go unnoticed in the course of the Parliamentary passage of the legislation (see for example HC Debates volume 926 columns 902-903 18th February 1977). Labour peers in the House of Lords did put proposals for some independent enforcement mechanism to be introduced, but these were not adopted (Hansard HL volume 386 columns 700-703). At second reading Lord Gifford complained:

“If the local authority gets it wrong, where does the applicant go? If a local authority says ‘we don’t believe you are genuine, you are intentionally homeless’ . . . or if they make some error, whether through prejudice or out of sheer incompetence, there is no remedy at all in this Bill. There is no tribunal to which a rejected individual can turn. There is no place where justice can be obtained”.

Notwithstanding these and other criticisms the legislation was enacted without any means of enforcement for homeless persons in dispute with their authority.

On the other hand, it has been accepted that local authorities would find useful a mechanism for resolution of disputes between themselves. Hence the provision in Section 5 of the Act and the agreement made under it, for arbitration on local authority disputes. These provisions have generally worked well for dispute resolutions, with only comparatively rare instances of authorities challenging each other in the courts. The existence of the arbitration procedure provides a useful counter argument to the defensive local authority rejecting the possibility of any external review of its decision making in an individual case.

### **3. The Present Position**

In the absence of any statutory mechanism for enforcement of the duties owed to them, the homeless and their advisers have generally followed either of two routes to redress (or often a combination of these). These are: lobbying and legal action.

#### **Lobbying**

An effective method of achieving a review of an officer-level decision concerning homelessness is to contact a senior officer of the authority concerned and seek reconsideration of the case. The next stage would be to approach the local ward councillor or chair of the council committee responsible for the operation of the homelessness procedure. Further pressure can be exerted by enlisting the support of the majority group, the leader or opposition party in the authority concerned. In appropriate cases the intervention of the MP is sought and media interest and attention for the case secured. But ultimately the authority may decline to alter its decision.

This lobbying process has many drawbacks for the homeless. First, the 'emergency' nature and crisis of homelessness is hardly a firm foundation on which to build a swift and effective lobbying campaign. Second, lobbying needs to be pursued with vigour in order to have any hope of achieving "housing the first night" which is often so essential. Third, the process may involve unsought publicity and the detailed examination of the personal history of the homeless applicant concerned. Fourth, the practical operation of the Housing (Homeless Persons) Act offends against the stereotype party political nature of lobbying — indeed it must be conceded that some Labour authorities are among the worst administered and least generous of the councils concerned.

#### **Legal Action**

In the absence of any statutory enforcement procedure, the ordinary



courts have retained their inherent jurisdiction to supervise the activities of local authorities and ensure that they act in accordance with the law. Indeed, in the seven years that the Act has been in force, there has been an unprecedented torrent of litigation in the courts based on challenges by homeless people to the decisions of local authorities.

As early as 1978 the Court of Appeal had established that an individual could sue in the local courts (the County Courts) for redress against a local authority in breach of its duties under the Act. The Court of Session in Scotland took a similar view and decided that the local Sheriff Courts had jurisdiction in such disputes. In the ensuing four years a spate of such proceedings were taken by the homeless in local courts, with relatively easy access and immediately available remedies such as injunctions.

This particular 'door to redress' was firmly slammed shut by the House of Lords in cases concerning the Thanet District Council (in England) and Hamilton District Council (in Scotland). The Lords decided that homeless applicants wishing to challenge decisions of local authorities could only do so by use of a procedure known as Judicial Review. At a stroke, these decisions rendered the rights of the homeless more difficult to achieve since 'leave' or permission is required from the court before any such action is commenced and proceedings can be taken only in the higher courts (Divisional Court in England and Wales, Court of Session in Scotland).

In addition to these drawbacks, legal proceedings are highly inappropriate to the resolution of homelessness disputes. Firstly they assume that aggrieved applicants know of or are informed of their rights to take proceedings. Second, they rely on the applicant having early access to a lawyer with knowledge and expertise as to the 1977 Act who is willing to act swiftly. Third, there is the expense. Those seeking legal aid are subjected not only to a means test but must satisfy the authorities of the merit of their case. Fourth, they rely on a fair hearing in an arena where the judiciary are singularly unlikely to have the social background or expertise to understanding the realities of homelessness.

As if these drawbacks were not sufficient, the courts have gone even further to restrict the rights of the homeless. Lord Denning in particular was responsible for imposing extra burdens on homeless persons seeking orders for rehousing pending trial of their disputes. The courts have also made it clear that despite the emergency nature of homelessness cases, emergency *ex parte* orders are not usually to be granted.

An alternative procedure to both lobbying and the law is the use of the local Ombudsman for the investigation of local authority mal-practice. Since 1978 these Local Commissioners have completed some two dozen investigations by the homeless who seek their help. Many instances of maladministration and injustice have been found. But this procedure is of little use to the emergency homeless since investigations by the Ombudsman take many months to complete.

## **4. Immediate Responses**

Many progressive local authorities have responded positively to the absence of any statutory appeal rights by establishing internal review procedures for homelessness cases. Usually these allow for the disputed decision to be referred first to a senior officer and then to a panel of councillors for resolution. Although not independent, nor entirely satisfactory in their operation, these initiatives are at least a positive response to present difficulties and could usefully be repeated elsewhere.

As an alternative to local review, fair-minded authorities can do much to assist the aggrieved homeless applicant. A promptly issued and easily understood statement of the decision made and the reasons for it can easily be provided (and in fact this is required by the Act). Such notices or letters should contain details of the local sources of independent advice and assistance (such as law centres and advice bureaux) should the homeless person be dissatisfied with the decision stated. There is no reason why the notification should not go yet further and explain the opportunities that are available for the decision to be challenged in a court of law.

## **5. Proposals for Reform**

There are four main options for reform in this area, each of which would involve amendment of the present law:

### **(a) Enforcement by Central Government**

In the present climate, direct enforcement of local authority's duties by complaint to the Minister is an option increasingly found in housing legislation (see for example enforcement of the right to buy). This option must however be rejected, not only because it interferes with local political accountability for decision making, but also because it is unsatisfactory for the individual. Firstly, the availability of an alternative remedy of complaint to the Minister usually acts to oust the supervisory jurisdiction of the courts. Secondly, the National Assistance Act 1948 contained a similar provision for enforcement of rights of the homeless, yet the Minister rarely ever intervened in local authority decisions to refuse accommodation. In Scotland a power to complain to the Minister as to breach of local authority duty is already available under Section 211 Local Government (Scotland) Act 1973 and is similarly rarely effectively used.

### **(b) Internal "Appeal" to Council Committees**

Recent experience of local authority administration of the 1977 Act argues against conferring upon them the role of 'judge and jury'

concerning homelessness disputes. Quasi-judicial review committees of councillors function poorly and are not respected as independent of the authority. (See the example provided by Housing Benefit Review Boards.) Such bodies can be disbanded at the whim of the council concerned and they do not offer a satisfactory long term solution.

### **(c) Direct Access to the Courts**

It would be possible to enact a direct statutory right of appeal to the County Court or Sheriff Court against local authority homelessness decisions. If legal aid were readily available and solicitors interested and willing to take cases on, this might provide an effective method of dispute resolution. However such litigation would be costly to the authority as applicants will rarely have the means to pay council costs, even in hopeless cases and local accountability will be undermined by constant recourse to the courts. As far as homeless persons are concerned, the present civil courts often seem remote, intimidating places, full of inexplicable formality and jargon.

### **(d) Housing Tribunal/Housing Court**

It would be possible to develop an independent Housing Court or Tribunal to deal informally and speedily with homelessness disputes and other housing issues.

A bold legislature could ensure that such tribunals were composed of independent chairpeople, representatives of local authorities and representatives of tenants, the homeless and the wider community. Such tribunals would be inexpensive and if the impact of their intervention was the improvement of regular local authority practice, would need to meet only infrequently. Legal aid would be available if required and there would be a direct right of appeal to the courts. Such housing tribunals would meet locally and hear cases in public. They would be able to deal with all homelessness disputes and other housing issues and make decisions binding on both parties. In appropriate cases they could issue mandatory instructions to local authorities to carry out housing duties.

The Labour Housing Group favours this latter option of a housing court or tribunal as providing acceptable, accessible, informal justice for the homeless in the face of unfavourable local authority decisions. However the LHG is keen to ensure that this and the alternative options should be considered and debated by the Labour Party, local authorities and the wider Labour movement.

# **Conclusions**

The Homeless Persons Act though it is far from perfect, has surely made the plight of homeless families somewhat less horrific. However the Act is couched in very vague terms, leaving authorities lots of discretion. So rather than being a rights based Act it is a hurdle race for applicants, each hurdle having to be successfully negotiated before a right to a home is achieved.

There is no uniformity in decision-making between authorities, and indeed within the same authority. Many Labour controlled authorities are in fact amongst the worst culprits in terms of the hostility and prejudice towards homeless people. Indeed Labour councils leave themselves open to court action for many of their practices and councillors seem unconcerned about their behaviour towards homeless people. The Labour Party must be affective in changing such attitudes and must point the way to wayward authorities by adopting LHG recommendations as policy, if those in severest housing need are to be saved from further indignities.

The way forward is for the Labour Party to set out recommendations which promote good practices in the implementation of the Homeless Persons Act. Labour Housing Group's submission combines these recommendations with proposals for new legislation to give all homeless people the right to housing.

## **Homeless versus Waiting List**

Many authorities attempt to separate homeless applicants from their 'normal' applicants who are seen as 'good' and queuing up in an orderly fashion, not like these people who come in and 'jump' the queue in front of waiting list applicants. Yet this distinction is nonsense. The people on housing waiting lists and those who present themselves as homeless are more and more frequently the same people.

Since the Homeless Persons Act provides the main duty on a local authority to secure accommodation, and the alternative channels are discretionary and likely to be slow, it is both natural and predictable that those entitled to will present themselves as homeless.

It is a shortcoming of lettings policies that homelessness is not regarded as an indicator of housing need. Homelessness should be integrated into lettings policies and separate treatment of the homeless

should be avoided since this assumes that homeless people are different from those on the 'ordinary' waiting list. Homeless people should be allowed to register on the waiting list, and there should be no restrictions on access to the waiting list.

## **Resources and Quality of Service**

One of the main shortcomings of the Homeless Persons Act was that there were no resources put at authorities' disposal to ensure that the Act was implemented effectively. There needs to be an allocation of financial resources to enable local authorities to provide sufficient housing for those in housing need and to provide the necessary advice and support services. LHG's proposals in this paper carry with them the need for a substantial increase in staff.

The existence of homelessness in our society is clearly a result of the market forces which dominate housing investment and thereby the processes by which anyone acquires a home. Given this state of affairs Labour councils must ensure that they provide the best possible service to the casualties of the system.

Staff who deal with homeless people should be well trained and chosen for their ability and desire to ease the misery of homelessness. Councillors should ensure that they know that their local authorities are doing as much as possible to help homeless people and those threatened with homelessness by taking a stronger role in policy formulation. Staff should undergo race awareness training, and ethnic record-keeping should be used to monitor the response of the council's services to ethnic minority households.

## **Non Priority Groups/Vulnerability**

It is not illegal to go beyond the minimum statutory duties of the legislation! Already some Labour controlled authorities have begun to accept responsibility for more homeless people. For example, Newcastle City Council introduced a policy in 1982 of accepting responsibility for all homeless under 18 year olds and Liverpool have extended the Act to include all homeless women and people leaving institutions. Other authorities have taken similar actions to help those they consider to be particularly vulnerable. The Homeless Persons Act should be extended to include all single people and childless couples, but in the meantime local authorities should carry out a phased extension of the duty to house by age rather than by the degree of so-called inadequacy. The Code of Guidance which accompanies the Act is an advisory document. It should be incorporated into the legislation. At present it has a dubious legal status but gives sound advice. At the very least the Code of Guidance

should be followed by all Labour authorities and they should seek to house as many 'non priority' applicants as possible rather than refusing to interview or treat as priority any single people or childless couples.

Advice and assistance varies greatly between housing authorities. The intention of the Homeless Persons Act was that councils should give advice and assistance which would enable non priority applicants to find permanent accommodation. Local authorities should ensure that advice and assistance is accurate and up to date and as constructive as possible, and should be available in ethnic minority languages.

## **Violence**

Some authorities require unreasonable proof that violence has occurred. Violence is seen solely as physical violence and rarely includes mental cruelty. Further, the violence must come from within the home; therefore a woman who has separated from a violent partner, but is still being harassed has no protection.

All people who have suffered relationship breakdown whether violent or not should be considered as homeless, and applicants should never be compelled to return to a relationship which has already broken down.

It is unacceptable that some local authorities make women feel shameful about their relationship breakdown (whether violent or not); such harsh treatment compounds the unhappiness of the situation.

## **Local Connection**

The local connection provision was included in the Homeless Persons Act as a compromise to the southern 'magnet authorities' who felt that they would be swamped by homeless applicants moving to their authorities for work etc. In practice over 80 per cent of homeless applicants have lived in the local authority area to which they apply for over one year. The main problems with local connection concern three groups: women fleeing violence; people trying to move for work; and people moving from poor environments. The numbers falling into these three groups are so small to make the local connection clause meaningless. Labour authorities should not enforce the local connection provision of the existing Act.

## **Intentional Homelessness**

The original Code of Guidance suggested that the numbers of applicants deemed intentionally homeless would be small. However, some authorities use intentionality as a major tool in avoiding their duties

under the Act. Case law has further strengthened such wayward authorities in their resolve to find reasons to avoid their responsibilities, by creating the 'chain of intentionality'.

If it is accepted that homelessness is the severest form of housing need, then it must also be accepted that people do not make themselves homeless in order to better their housing conditions. Anyway in practice homeless families get the worst housing therefore making this argument futile.

Section 17 of the Homeless Persons Act should therefore be repealed, and until this happens local authorities should never deem an applicant as intentionally homeless.

Where people give up homes in this country to move area, LHG recommends that they are not counted as homeless but their desire to move is recognised and acted upon. This is the only situation in which we can see that anyone might make themselves homeless.

## **Temporary Accommodation**

The provision of temporary accommodation is possibly the most contentious issue in any discussion of homelessness. Practices vary enormously around the country.

Where local authorities provide no temporary accommodation themselves they should be strongly discouraged from using Bed and Breakfast within or outside of their own boroughs.

The practice of demanding that homeless households spend a certain length of time in temporary accommodation before being offered permanent housing should be ended.

It should be possible for councils to rehouse someone directly into permanent accommodation. Councils should take on the co-ordinating role for the provision of all temporary accommodation in their boroughs, both statutory and voluntary, ensuring good standard of accommodation and management for both priority and non-priority groups.

Councils should take account of potential sexual harassment and racial discrimination in their choice of temporary accommodation for any applicant.

## **Permanent Accommodation**

Most local authorities' practices lead to homeless households being offered the least desirable housing. Integration of homeless applicants into waiting lists would ensure that they would no longer be restricted to either the 'dump' estates or to a limited choice through one offer policies.

The applicant's wishes must be taken into account: like temporary accommodation, permanent housing must be offered in an area that will enable family community and other ties to be maintained.

Local authorities should make use of the full range of housing options through housing associations, mobility schemes, reciprocal exchanges etc.

The practice of granting a temporary licence whilst the applicant's 'suitability' as a tenant is assessed is illegal, clearly discriminatory and immoral.

Councils who refuse someone permanent accommodation until a debt is paid off are acting illegally.

## **Hidden Homelessness**

No one knows how many hidden homeless households there are because local authorities which might be the appropriate place for them to register, have nothing to offer to many of them and no duty to record the number of homeless people in their area.

The people who are considered as the hidden homeless are those who are: living in squats; sleeping on floors; staying with friends or relatives; or sleeping rough, staying in hostels or lodging houses or trying to leave a variety of institutions; and finally some people are not regarded as being homeless because their cultural traditions would not allow their families to ask them to leave.

Legislation is required to compel local authorities to record all housing enquiries including ethnic record-keeping and to publish this information, and to use this information as the index of demand in submitting HIP bids.

## **Appeals**

Labour Housing Group feels that the introduction of an effective appeal procedure against local authority decisions made in connection with homelessness application is essential. In considering the options for introducing an appeals procedure the development of an independent housing court or tribunal is seen as preferable to an internal appeals system within local authorities or further recourse to the courts. This housing tribunal or court would provide accessible, informal justice with legal aid, and representation on the tribunal from organisations with knowledge of homelessness and housing would ensure that decisions were non judgemental and based on the facts of each case.

## **Conclusion**

In spite of its limitations and ambiguities the Homeless Persons Act must



be used to the full. The opportunity to help victims of our society must be seized by those Labour authorities which so far have seen the Homeless Persons Act as an irritating imposition. There will be no chance of extending the legislation unless the present Act is used to its limits. The next Labour Government should introduce a Housing Rights Act which will give all homeless people access to a home and should contain measures to ensure full implementation; by imposing clear duties upon local authorities.

# ***Recommendations***

## **A. Proposals for putting into action now**

1. Labour councillors must ensure that local authorities carry out the Homeless Persons Act in the spirit intended by Parliament. The Code of Guidance should be adopted as minimum policy for every Labour council.
2. Lettings policies should regard homelessness as one indicator of housing need, and accord points or priority within the policy for all homeless households. Lack of security of tenure should also be counted in determining priorities for allocation of housing. Section 44 documents (explanations of lettings policies) should include a clear explanation of the council's policies and processes by which homeless applications are dealt with.
3. Labour councils should allocate more resources to dealing with homelessness. More efficient use needs to be made of both staff and housing stock so that homelessness can be prevented and the best advice can be given to applicants.
4. Staff who work in homeless sections should be able to deal with enquiries from their reception to rehousing. Training should include such topics as:

- welfare rights
- landlord/tenant law
- debt counselling
- marital breakdown law
- interviewing skills
- access to housing in all sectors.

Resource material which is up-to-date, accurate and appropriate must be provided for staff giving advice to homeless people.

5. The Labour Party should provide training and/or training material for councillors dealing with homelessness and other housing issues, placing strong emphasis on a socialist approach to these aspects of local government work.
6. Councillors should ensure that their authorities are employing staff who do as much as possible to help homeless people and those threatened with homelessness, and do not, by judgemental attitudes or lack of resources, deter people from applying as homeless.
7. Local authorities should work towards the goal of treating all homeless applicants as 'in priority need', by a phased extension of

- the categories treated as vulnerable, by age.
8. The definition of homelessness should be regarded as including those leaving a non-violent breakdown of relationship, fleeing sexual harassment and violence from outside the home.
  9. Local authorities should not utilise the provision in the Homeless Persons Act regarding local connection.
  10. The intentionality clause should not be used.
  11. Local authorities should ensure that homeless applicants are provided with good quality temporary accommodation which is run by staff who can advise and support homeless people. Temporary accommodation should be found within the borough of the application and should not disrupt the family's life.
  12. A stay in temporary accommodation should neither be compulsory nor for a requisite period of time, and should only be necessary in emergencies — direct rehousing into permanent accommodation should be the norm.
  13. Local authorities should be strongly discouraged from using Bed and Breakfast.
  14. Local authorities should embark upon a planned programme of action to enforce up-to-date minimum standards in all Houses in Multiple Occupation in their area.
  15. Permanent housing should be offered to homeless households on the same basis as to those on the normal waiting list. This will enable people to have a choice of area, to refuse an offer if the property is unsuitable in location, size, or fitness. The guidelines available in Part II Schedule 4 of the Housing Act 1980 should be adopted.
  16. Local authorities should record all housing enquiries and publish this information annually. These inquiries should be seen as an index of demand and HIP bids made on that basis.
  17. Local authorities should establish internal review procedures in order to deal with disputed decisions.

## **B. New legislation**

The Housing (Homeless Persons) Act must be replaced by a comprehensive Housing Rights Act, guaranteeing the right to a safe, secure and satisfactory home for every member of the community.

Local authorities must be under a statutory duty to secure a satisfactory home for anyone who has nowhere to live. Arbitrary barriers to access, such as residence, age and type of household, must be made illegal. Satisfactory standards of space, amenities, repairs and fire safety must be enforced by mandatory duties, with remedies for action by the occupiers in default. All residential occupiers should have security of tenure in their home, and protection from the threat of arbitrary eviction. Tenants, individually and collectively, must have the right to a

say in the way their homes are run.

Where a local authority is not able to offer a home from its existing stock, homeless and overcrowded households, disabled people living in unsuitable accommodation, and people with urgent medical or social priority should have the right to instruct the local authority to acquire a suitable home for them to rent. Owner occupiers should also have the right to sell their home to the local authority, and to continue occupying it as tenants where they wish.

The Labour Party must commit itself to the belief in the right to a home for every member of the community. The Housing Rights Act should embody a right to security, a right to satisfactory standards, a right to rent, and a right to control. A real right to rent means that rented housing should be available in the quality and quantity, and on the financial and legal terms which make it a genuine alternative to ownership. The aim is that there should be a right to choose between different tenures and forms of housing of equal status.

## APPENDIX 1

### ***Labour Housing Group's Policy on Homelessness — as at 1st January, 1985***

#### **Resolutions adopted at LHG's AGM on 17th October, 1981:**

1. "The Labour Housing Group is very concerned about policies and practices adopted by a growing number of local authorities to evade their responsibility to homeless persons under the terms of the Housing (Homeless Persons) Act 1977. It particularly condemns the harsh attitudes of some Labour-controlled local authorities to the homeless.

The Labour Housing Group recognises that the abuse of this important piece of legislation is exacerbated by diminishing resources available to local authorities and by the unwillingness of the judiciary to uphold the spirit of the Act.

The Labour Housing Group will campaign for:

1. The amendment of the Housing (Homeless Persons) Act to remove section 17 — which allows local authorities, in certain circumstances, to declare applicants 'intentionally homeless',
  2. The provision of adequate financial resources from central government to allow local authorities to meet their full responsibilities to the homeless;
  3. The elimination of the use of 'Bed and Breakfast' as temporary accommodation for the homeless on the grounds that it is totally unsuitable for families and is wastefully expensive;
  4. The introduction of an effective appeal procedure against local authority decisions made in connection with homelessness applications".
2. "Labour Housing Group considers that public sector housing allocation policies are largely out of touch with long term structural changes in society, notably household sizes, employment patterns and population movement. Over the past two decades, there has been a dramatic decline in the average household size and a parallel increase in one and two person households. Household mobility has also increased as a direct result of successive Governments' economic policies. In face of these changes far too many local housing authorities maintain anachronistic allocation policies. Such policies not only discriminate against households in need, but also create an unrepresentative social mix amongst public sector tenants.

Labour Housing Group commits itself to ensuring that public sector housing is open to all households who need or wish to rent, and to abolishing eligibility restrictions which exclude categories of persons from public sector housing. To this end it will campaign for:

- the banning of restrictions which require housing applicants to comply with age, residential, income or any other qualifications in order to register on a housing waiting list or to be considered for housing;
- the banning of the closure of waiting lists to owner occupiers, hostel dwellers or any other group on the grounds of their existing housing circumstances;
- the amendment of the Housing (Homeless Persons) Act 1977 to remove the concept of priority need (Section 2 of the Act)".

## APPENDIX 2

### ***Text of Composite Resolution 24 on Housing passed by Labour Party Annual Conference — October 1984***

“This Conference believes that the Labour Party must mount a major housing campaign, based on our belief in the right of every citizen to have a decent home of the type they want. Conference calls for this campaign to be organised with the tenant’s federations, the direct labour organisations and the Labour Housing Group, all at local and national level.

Conference reaffirms our conviction that the housing policies of the Tory Government are inequalitarian, divisive and socially damaging. Conference recognises, however, that we will only successfully defeat these policies if we put forward positive and attractive alternatives, which offer a right to choose both to those who want to rent and those who want to buy their homes.

Conference believes that the right to rent is central to a socialist policy and that, to achieve it, Labour must:

- a. plan a major and sustained programme of housebuilding and renovation, with no more limits on the freedom of public authorities to provide homes for rent than there are on private builders to provide homes for sale;
- b. provide the necessary variety and choice of housing to satisfy the needs and aspirations of all sections of the community;
- c. ensure parity of financial treatment between tenures, recognising that owners benefit from an appreciating capital asset whereas tenants do not;
- d. place local authorities under a statutory duty to secure a satisfactory home for anyone who has nowhere to live;
- e. develop imaginative new proposals to make the right to rent a practical reality including the right in certain circumstances to instruct an authority to acquire a suitable home to rent where it cannot offer a satisfactory home from its existing stock, or through a housing association;
- f. give higher priority to the needs of the community, entailing:
  - i. socially integrated housing which would provide a wide range of homes to meet the needs of all sections of the population; provide supervised accommodation for those who suffer from psychiatric and social disabilities and are in need of support;
  - ii. greater emphasis being placed on community infrastructure and facilities;
  - iii. housing management, to work through area offices with area committees, decentralisation of housing maintenance;
  - iv. greater freedom for people to modify their home to personal taste;
  - v. encourage democratic control by council tenants of their own housing and by supporting the formation of tenants’ associations, which not only help to ensure efficient working practices in housing management, but also safeguard tenants’ rights, regardless of the political composition of local councils;
- g. reinstate rent control and security of tenure for private tenants in houses in multiple occupancy to ensure that they have at least the same standards and conditions of tenancy as tenants of public sector housing; homes of multiple occupation must register with their local authority and must submit to regular inspections and failure to do so must result in local authority take-over.

Conference also recognises that owner-occupation is now by far Britain's majority form of tenure, that homeowners are extremely diverse in income and occupational group, and that large numbers face serious housing problems. Within the context of its broader housing strategy Conference therefore believes that a programme of reforms to tackle such problems should be a priority for Labour.

This will include:

1. a major extension of efficient municipal enterprise through mortgage lending, estate agency, conveyancing, property surveys and 'chain-breaking' purchase;
2. reforms in the present cumbersome arrangements for home transfer, including an end to the solicitors' conveyancing monopoly, a nationwide and publicly accessible land register, and statutory backing for a 'log-book' system of house sale;
3. the provision of rehabilitation services to owner-occupiers through direct labour organisations, recommended lists of builders and improvement agencies;
4. measures to extend the housing rights of shared ownership tenants and owners of leasehold houses, leasehold flats and mobile homes".

Moved by LEEDS NW CLP

Seconded by NORWICH NORTH CLP

## APPENDIX 3

### ***Text of Housing Section of 1983 Labour Party Manifesto***

#### **Homes for everyone**

Britain faces a major housing crisis. The Tories have slashed public spending on housing by half and house building is at its lowest since the 1920s. Houses are falling into disrepair faster than they can be repaired, while homelessness and waiting lists continue to grow. Labour will reverse this decline. Our aim is a decent home for all with real freedom of choice between renting and owning, on terms people can afford.

Labour governments have done more than any others to assist owner occupiers; and we will extend this by giving special assistance to first-time buyers and council tenants.

Labour will immediately increase by half the total housing investment programmes for local authorities. This will be a first step in increasing resources for council housing repairs and improvements and for new public sector house building. We will also give a new priority to getting empty council owned housing back into use. We will overhaul and extend the renovation grant and area

improvement programme to tackle properly the decay of our older houses. New and better housing and environmental standards will be developed and greater provision will be made for hitherto neglected groups, such as single people.

## **Council housing**

The Tories have forced council rents to more than double. The number of council homes for rent is falling because of the rundown of new building and enforced sales. Thousands have to cope with leaking roofs and damp, inadequate heating, broken down lifts, noise, lack of security, increasing disrepair and neglect.

Labour will give council tenants a new deal. In addition to a freeze on rents for a full year, and the restoration of subsidies, Labour will:

- fund a national action programme to repair and improve or replace run-down estates, especially the system-built developments in which so many defects have been revealed.
- Strengthen tenants' rights on security, repairs and improvements, access to files, exchanges, transfers, moves between local authority areas, and rehousing rights on breakdown of relationship;
- Encourage more responsive and decentralised housing management and maintenance, and promote tenant participation and democracy, including housing co-operatives;
- End all residential and other qualifications, which unfairly exclude people from council housing in the area where they live, extend the 'priority' groups under the Housing (Homeless Persons) Act and strengthen the rights of homeless people;
- End enforced council house sales, empower public landlords to repurchase homes sold under the Tories on first resale and provide that future voluntary agreed sales will be at market value.

## **Home ownership**

Labour believes in real home ownership at prices people can afford. Under the Tories the mortgage rate reached its highest ever level at 15 per cent and is still at 10 per cent. They have done little to help low income groups become owners.

We support financial assistance for owner-occupation and will maintain mortgage tax relief for existing house purchasers at the current rate. The unfairness of mortgage tax relief above the basic rate, which gives most benefit to the highest incomes, will be phased out. We will also examine the possibility of a new and substantial form of financial help for first time buyers, with special consideration for council and new town tenants, aimed at easing the heavy initial burdens of house purchase.

Labour will act to help home-owners. We will:

- Simplify and reduce the cost of house purchase, ending the solicitors' conveyancing monopoly, and require full disclosure of mortgage lending terms and practices;
- Make it easier for lower income groups to borrow funds on secure terms by greatly expanding council mortgage lending and providing the funds needed. This will be financed primarily by on-lending from the building societies, at least 10 per cent of whose funds should be made available in this way;



- Allow and encourage councils to provide a unified house-purchase service, including estate agency, surveying, conveyancing and mortgage lending.
- End the leasehold system for houses, strengthen the rights of leaseholders of flats and increase protection to mobile home residents.

## Privately rented housing

The worst housing conditions are in privately rented housing. The Tories have loosened the controls on rents and security of tenure and pushed up rents. If they get the chance, they would abolish **all** controls.

Labour will ensure that tenants are fully protected. We will:

- Actively encourage the transfer of all property owned by absentee private landlords to the public or owner-occupied sectors, with local authorities setting the pace. This will not apply to owner-occupiers letting all or part of their home.
- Repeal the Tories' shorthold scheme and close other loopholes in security of tenure; and strengthen tenants' rights on deposits and harassment.
- Strengthen councils' powers to enforce repairs and improvements and the standards of management, particularly in multi-occupied properties; and launch a programme of action against property held empty without justification.
- Bring forward measures to strengthen tied tenants' rights and improve their access to secure housing when they leave their job.
- Bring service charges for private tenants and leaseholders within the fair rents scheme.

## Help for all tenants

Tenants in both the public and private sectors are plagued with difficulties caused by all-too frequent failure of landlords to carry out repairs satisfactorily and speedily. Tenants recognise that major structural repairs, for example to blocks of flats or maisonettes, can only be dealt with by large-scale improvement projects. But they rightly see no reason why routine repairs should be neglected. Labour will launch a new initiative aimed at tackling this troublesome problem.

We will introduce a right to repair for all tenants — council, new town, housing associations and private landlord. This will give tenants the right to force landlords, including councils, to get routine repairs done, with landlords footing the cost. Where there are council direct labour organisations, these will be responsible for doing this work. Major structural work will not be included, but the Labour government will assist councils to carry out such work through much larger capital investment allocations and reinstatement of an adequate housing subsidy system.

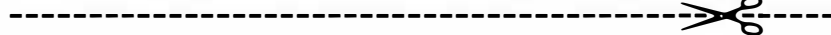
We also intend to reform the system of housing benefits for low income groups. A new Housing Tribunal will be established to replace the present confusing jumble of courts, tribunals and committees, as an accessible means of resolving landlord-tenant disputes.

# Labour Housing Group

Housing is a crucial area of concern for socialists. Yet it is often neglected both at national and local level. The Labour Housing Group, formed in 1981, seeks to remedy this by putting housing firmly back on the agenda for the Labour Party, by stimulating discussion at all levels of the labour movement, and by the formulation and implementation of socialist housing policies.

If you care about housing, why don't you help strengthen LHG's impact by joining. Fill in the form below, and you will be able to take part in all its activities. These include general meetings, specialist groups (like the homelessness group, which wrote this booklet), local groups, a newsletter, and speakers on housing issues.

Membership of LHG is open to individual members of the Labour Party and to the Party's constituent organisations — e.g. CLPs, Branches, District Parties, Labour Groups, affiliated Trade Unions and their branches. Send the form below to LHG Membership Secretary, Terry Deane, 99 Shirland Road, London W9 2EL. Cheques etc should be made payable to 'Labour Housing Group'.



## ORGANISATIONS:

We wish to affiliate to the Labour Housing Group, and enclose a subscription for one year of £10.

Organisation .....

Secretary .....

Address .....

..... Date.....

## INDIVIDUALS

I wish to join the Labour Housing Group and enclose a subscription for one year of £5 (£2.50 if unwaged):

Name ..... Tel .....

Address .....

..... Date .....

CLP ..... Trade Union .....

Please indicate any aspects of housing in which you have a special interest:

.....